



## Miami-Dade Legislative Item

### File Number: 030283

**File Number:** 030283**File Type:** Resolution **Status:** Adopted**Version:** 0**Reference:** R-226-03 **Control:** County Commission**File Name:** WAIVER OF FORMAL BID PROCEDURES **Introduced:** 1/29/2003**Requester:** Procurement Management Department **Cost:** **Final Action:** 3/11/2003**Agenda Date:** 3/11/2003 **Agenda Item Number:** 7O1C

**Notes: Title:** RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES AND BID PROTEST PROCEDURES FOR THE PURCHASE OF ITEMS AND SERVICES; AUTHORIZING THE COUNTY MANAGER TO AWARD CONTRACTS AND EXECUTE OPTIONS TO RENEW ESTABLISHED THEREUNDER; AND WAIVING THE REQUIREMENTS OF SECTIONS 2-8.1 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE BY A TWO-THIRD VOTE OF THE BOARD MEMBERS PRESENT

**Indexes:** BID PROCESS **Sponsors:** NONE**Sunset Provision:** No**Effective Date:****Expiration Date:****Registered Lobbyist:** None Listed

### Legislative History

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
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Board of County Commissioners	3/11/2003	7O1C	Adopted				P
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**REPORT:** In connection with Section 2.2 of the foregoing proposed resolution, Commissioner Sorenson suggested a careful review of the contract specifications and that the necessary legal steps be taken to avoid a bid protest. In regards to Section 2.2 of the foregoing proposed resolution, Commissioner Rolle requested that the County Attorney's Office create the necessary legislation to make software proprietary firms provide a training program. Chairperson Carey-Shuler requested that the Department of Business Development review all areas having no availability or insufficient minority certified firms to include the areas of consulting services and training. Commissioner Moss suggested that the position of Commission Auditor should include the responsibility of reviewing these types of contracts to provide the Board with an opinion as to

whether the contract was to the best interest of the County.

Budget and Finance Committee	2/13/2003	3K	Forwarded to BCC with a favorable recommendation	P
County Attorney	1/31/2003		Assigned	Hugo Benitez
County Manager	1/31/2003		Assigned	County Attorney 3/11/2003
<b>REPORT:</b>	REVISED PROCUREMENT MGMT (ATTACHMENT CHANGED ONLY) (B&F 2/13/03)			
County Attorney	1/30/2003		Assigned	Hugo Benitez 2/6/2003
County Manager	1/29/2003		Assigned	Budget and Finance Committee
County Manager	1/29/2003		Assigned	County Attorney 3/11/2003
<b>REPORT:</b>	PMD-(BUDGET & FINANCE-2/13/2003)			
County Manager	1/29/2003		Assigned	Bill Johnson 1/29/2003

## Legislative Text

### TITLE

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES AND BID PROTEST PROCEDURES FOR THE PURCHASE OF ITEMS AND SERVICES; AUTHORIZING THE COUNTY MANAGER TO AWARD CONTRACTS AND EXECUTE OPTIONS TO RENEW ESTABLISHED THEREUNDER; AND WAIVING THE REQUIREMENTS OF SECTIONS 2-8.1 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE BY A TWO-THIRD VOTE OF THE BOARD MEMBERS PRESENT

### BODY

WHEREAS, the County departments listed on the attached pages, copies of which are incorporated herein by reference, have identified specific items and services which cannot be purchased under normal bid procedures; and

WHEREAS, this Board therefore desires to award four contracts in a total amount of \$34,885,000.00 and set aside one contract for bidding solely amongst certified minority firms in a total amount \$65,000.00.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds it is in the best interest of Miami-Dade County to waive formal bid procedures and authorize the County Manager to award contracts and execute options to renew established thereunder, therefore, competitive bidding is waived in these instances pursuant to Section 4.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code by a two-third (2/3) vote of the Board members present.

## **HEADER**

TO: Honorable Chairperson and Members DATE:  
Board of County Commissioners

FROM: Steve Shiver SUBJECT: Waiver of Formal  
County Manager Bid Procedures

## **STAFF RECOMMENDATION**

It is recommended that the Board waive formal bid procedures and bid protest procedures for the purchase of goods and services valued at \$34,950,000.00 and the requirements of section 2-8.1 and 2-8.4 of the County Code, by a two-thirds vote of the Board members present.

## **.. MANAGER'S BACKGROUND**

### **Section 1 SOLE SOURCES**

An item is considered a sole source when there is only one source of supply or a noncompetitive situation exists for the goods or services to be purchased.

Item 1.1 (Elevators, Escalators and Moving Walks Maintenance Services) is a sole source since the vendor is the owner and sole supplier of the necessary spare parts, maintenance and repair services and the corresponding software.

### **Section 2 BID WAIVERS**

A bid waiver is requested when it is in the best interests of the County to waive the competitive bidding procedures described in Administrative Order 3-2 and/or there is insufficient time to advertise and solicit competitive bids.

Item 2.1 (Hardware Maintenance, Software Licenses and Technical Support, Hewlett Packard Proprietary Systems) replaces the County's existing agreement for Compaq and Digital Equipment Company (DEC) hardware, software and technical support.

Item 2.2 (Software Licenses, Training and Technical Services, Oracle Proprietary Software) replaces the County's existing agreement for Oracle software licenses, training and technical support.

### **Section 3 CONTRACT MEASURES/REQUEST TO ADVERTISE**

None.

## Section 4 EMERGENCY PURCHASES

An emergency purchase is utilized to meet an unforeseen or unanticipated immediate need for equipment, supplies, or services, where the protection of life, health, safety or welfare of the community and preservation of public property is not possible using normal purchasing procedures. Whenever feasible, staff solicits at least three competitive quotes.

It was necessary to utilize the emergency procedure for Item 4.1 (Grounding Consulting Services) to properly ground exposed rods and lines to safeguard the County's communication system.

## ATTACHMENT

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